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A
CHAUKIDARI MANUAL

BEING

ACT VI, B.C., OF 1870,

AS AMENDED BY

ACTS I, B. C., OF 1871, 1886, AND 1892.

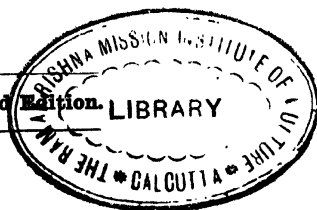
WITH

NOTES, RULES, GOVERNMENT ORDERS, AND
INSPECTION NOTES, &c.

BY

G. TOYNBEE, B.C.S.,
Commissioner of Orissa.

Second Edition. LIBRARY



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PREFACE TO SECOND EDITION.

THE amendment of the Village Chaukidari Act, VI (B.C.) of 1870, by Act I (B.C.) of 1892, and the discussions in the Bengal Council on the passing of the latter Act, have lately increased the attention of the public in general, and of District and Police Officers in particular, to the subject of the Village-Police. The first and most essential condition of an improved working of the existing Law is an improved knowledge of it on the part of those engaged in carrying out its provisions. At present these provisions are not contained in any convenient form, and have to be gathered from no less than four separate Acts, besides Government Rules, Circular Orders, &c. This Manual has been prepared to meet what is believed to be a want much felt by District and other Magistrates, District Superintendents of Police, and their subordinates; and it is hoped that its use will lead to a considerable improvement in the working of the Law. It will also be useful to those Panchayats who are acquainted with English, as such persons find it much easier to understand an English than a Bengali edition of any Act.

The following extract from the Government Resolution on the Police Annual Report for the year 1891 indicates the changes made in the Law by Act I (B.C.) of 1892, and the objects of that legislation :—

“No doubt there is room for much improvement in the character and conduct of the rural police, and the Lieutenant-Governor hopes that the changes effected in the

law which has lately been passed in the Bengal Council may lead to improvement. The principal object of this legislation has been to bring the Village Police into closer relations with the executive authority of Government, and, while retaining the local knowledge of men resident in the village in which they are to be employed, to organize the chaukidars as a branch of the regular police in direct subordination to the Magistrate. Under the old law the village panchayat not only appointed the chaukidars, but had authority to decide, within specified limits, how many chaukidars should be employed, and to fix their salaries. Under the new law the panchayat will nominate, but the appointment of the village watch will rest with the Magistrate. The Magistrate and not the panchayat will determine the number of chaukidars and fix their salaries. In other provinces the status of the rural police has been raised by similar legislation, and it is hoped that a like result will now be attained in Bengal. The Lieutenant-Governor requests the special attention of all District Magistrates to the necessity of trying to raise the social status of the chaukidar by refusing to appoint men of the low castes and thieving habits who have hitherto been employed, and substituting for them men of better castes and more respectable position. This object has been achieved in other provinces, and there is no reason why it should not be attained in Bengal also.

“Next to low caste and disreputable antecedents, one of the causes which has done much to degrade the village chaukidar in his own esteem and that of the public, and to lessen his influence for good, has been the habit, too common among the Provincial Police, of treating

him as a beast of burden and a menial servant. The Government is pledged to do all it can to stop this custom, and special orders are under issue on the subject;* but the Lieutenant-Governor takes this opportunity of giving publicity to his desire that Magistrates and District Superintendents of Police should set their faces sternly against the practice. When the chaukidar recognises that he is a servant of the State and bears a sanad of appointment under the Magistrate's hand and seal, it may be expected that he himself will refuse to submit to ill-treatment, and that the inferior Police-officers will understand that his status has been so raised that menial employment must not be thought of in connection with him.

"Another mode of improving his position is that the higher district officials should be more liberal to him in the matter of rewards and less indiscriminate in punishment."

G. T.

30th October 1892.

CHAUKIDARI MANUAL.

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ACT VI, B. C., of 1870.

(AS AMENDED BY ACTS I, B. C., OF 1871, 1886, AND 1892.)

PASSED BY THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL.

(Received the assent of His Honor on the 16th June 1870, and of the Governor-General on the 28th Sept. 1870.)

An Act to provide for the Appointment, Dismissal, and Maintenance of Village Chaukidars.

PART I.

WHEREAS it is expedient to make provision for the appointment, dismissal, and maintenance of village chaukidars in the provinces subject to the Lieutenant-Governor of Bengal; It is enacted as follows:

1. The following words and expressions shall, in the construction of this Act, have the several meanings hereby assigned to them respectively, except where a different intention shall appear from the context (that is to say)—

The words "District Magistrate" shall mean the chief officer charged with the executive administration of a district in criminal matters by whatsoever designation such officer is called.

The words "chaukidari chakran lands" shall mean lands which may have been assigned, otherwise than under a temporary settlement, for the maintenance of the officer who may have been bound to keep watch in any village and report crime to the police, and in respect to which such officer may be at the time of the passing of this Act liable to render service to a zemindar.

The word "zemindar" shall mean the person whose name is registered in the general register of estates paying revenue directly to Government as the proprietor of an estate so paying revenue, or the person whose name is registered in the general register of rent-free tenures as proprietor of a rent-free tenure.

(a) The definition of District Magistrate added by s. 2, Act I (B.C.) of 1892, and the use of the words "District Magistrate" throughout the Act, remove the confusion which previously existed as regards the powers of the "Magistrate of the District" and the "Magistrate" or Sub-divisional Officer.

(b) The District Magistrate is now the only officer who has *original* jurisdiction under the Act: he can, however, under s. 3A, delegate all or any of his powers to a Magistrate of the 1st class, to a Sub-divisional Magistrate, or to the District Superintendent of Police. This power of delegation apparently renders it unnecessary to vest any District Superintendent of Police with powers under s. 47, Act of 1861.

2. Section 21, Regulation XX of 1817, is hereby repealed as to all villages to which this Act may apply.

Nothing in this Act shall be held to repeal the provisions of s. 21, Regulation XX of 1817, in any village or union until a chaukidar shall have been appointed therein.

under the provisions of this Act. (Sec. 1, Act I, B. C., of 1871.)

(a) Sec. 21, Regulation XX of 1817, will be found in Appendix IV.

(b) A similar proviso is made as regards service lands by s. 67.

3. The District Magistrate may—

(1) by an order in writing, appoint not less than three nor more than five residents in any village within the district of which he has charge to be the panchayat thereof;

Appointment of pan- nor more than five residents in any
chayats. village within the district of which
he has charge to be the panchayat thereof ;
or (2) he may, with the previous sanction of the Local Government, direct that the adult male rate-paying residents of any village shall select, according to any rules that may be prescribed by the Local Government and published in the *Calcutta Gazette*, not less than three nor more than five residents of the village to be the panchayat thereof ; and the District Magistrate shall, if he approves of the persons so selected, appoint such persons to be the panchayat ; but if in his opinion any person so selected is, for reasons to be recorded by him in writing, unfit to be a member of the panchayat, the District Magistrate shall appoint a fit and proper resident to be a member of the panchayat ;

Provided that no panchayat shall be appointed in any place to which the Bengal Municipal Act, 1884, has been, or may hereafter be, extended :

Provided also that the Local Government shall be entitled to prescribe that in certain specified local areas, to be notified in the *Calcutta Gazette*, the number of persons to be appointed to discharge the duties of a panchayat may be reduced to one.

(a) This section is substituted by s. 3, Act I, B. C., of 1892, and does away with the difficulties formerly felt in deputing a Magistrate

to each village before the Act could be introduced. The limit of 60 houses prescribed by the former section has also been abolished. See also s. 4.

3A. The District Magistrate may, from time to time, by an order in writing, with the sanction of the Commissioner, delegate his powers under this Act, either wholly or in part, to any Magistrate of the first class subordinate to him, or to any Magistrate in charge of a sub-division, or to the District Superintendent of Police; and by a like order, and with the same sanction, may withdraw such delegated powers.

Delegation of powers
by the District Magistrate.

(a) See note under s. 1.

(b) The following form will probably be found useful for reporting villages or local areas into which Act VI, B. C., of 1870, is to be introduced, with special reference to Part II thereof :—

Name of village or local area into which the Act is to be introduced and in what thana.	No. of houses.	No. of inhabitants.	Names of the present Chakran Chaukidars and the area of service land held by each.		Names and residences of Zemindars.	Remarks, &c. Details of col. 5 to be given on a separate sheet with the number of plots and area of each.
			Names.	Area.		
1	2	3	4	5	6	7

(c) Under s. 364 of the Bengal Municipal Act (III B. C. of 1884), Part II of Act VI, B. C., of 1870, "shall be applicable to all such lands which have been assigned before the commencement of the said Act for the benefit of any part of a Municipality."

(d) The only way in which the operation of the Act once introduced into any village can be withdrawn or suspended is apparently by an order of the Commissioner under s. 64.

(e) The provision for the appointment of only one panchayat is to meet the special cases of tea-gardens, remote villages and other local areas where it is difficult or impossible to find more than one person qualified under s. 7, by education, &c., to be a panchayat.

(f) The provisions of s. 3 (2) as to the *selection* (not *election*) of a panchayat by the villagers were carried in Council by a very narrow majority and after considerable discussion and opposition. It

will be observed that the power is subject to, and safeguarded by, the following restrictions, *viz.*—

- (i) The previous sanction of the Local Government.
- (ii) The rules made by it.
- (iii) The veto of the District Magistrate.

4. The District Magistrate may, from time to time by an order in writing under his hand, declare any local area or group of dwellings, within the district of which he has charge, to be a village for the purposes of this Act.

(a) As amended by s. 5, Act I (B. C.) of 1892.

(b) This section removes the bar imposed by old ss. 3 and 4 to the extension of the Act to villages with only 60 houses or less, or to groups of villages of not less than 80 houses and not more than a mile apart; it renders the whole working of the Act far more elastic than it was before.

5. Whenever the majority in number of the adult male residents in any village shall, by a writing signed by them, apply to the District Magistrate for the appointment of a panchayat in such village, it shall be lawful for him to appoint a panchayat under this Act in such village without regard to the number of houses therein contained, and all the provisions of this Act shall apply to such panchayat and to such village.

(a) By an order in writing under s. 4 the District Magistrate can extend the operation of this section to "any local area or group of dwellings."

(b) The word "village" in this section is subject to the provisions of s. 4.

6 QUALIFICATION OF MEMBERS OF PANCHAYAT.

6. Whenever any member of a panchayat shall die,
or cease to be a member of such
Succession of mem- panchayat, the District Magistrate
ber of panchayat. shall, by a writing under his hand,
call on the remaining members of the panchayat to
nominate, within thirty days, a fit and proper person to
be appointed as member of the panchayat in the room
of such member so dying or ceasing to be a member ; and
the District Magistrate shall, unless he considers such
nomination improper, appoint the person so nominated
to be a member of the panchayat :

Provided that if no person shall have been so nomi-
nated, or if, in the opinion of the District Magistrate,
the person nominated is, for reasons to be recorded by
him in writing, unfit to be appointed a member of the
panchayat, the District Magistrate shall appoint a fit and
proper person to be a member of the panchayat.

(a) As amended by Act I (B. C.) of 1886.

(b) The panchayat appointed under this section only holds office
for the remainder of the term of the appointment of his predecessor.
Sec s. 9.

(c) A printed form for use under this section was prescribed
by Government Circular 17 J. D., dated 29th March 1887. (Executive
No. 181, new.)

7. No person shall be appointed to be a member of a
panchayat under this Act unless he
Qualification of mem- be a resident in such village or the
bers of panchayat. proprietor or holder of land therein
or his local agent : provided that such proprietor or local
agent shall not be so appointed unless he be resident
within one mile from some part of such village.

8. If any person appointed to be a member of a panchayat shall refuse to undertake the office, or wilfully omit to perform the duties thereof, and shall

Penalty on refusing to act as member of panchayat.

not within thirty days from the date of his appointment, or from such omission, show grounds, to the satisfaction of the District Magistrate, for such refusal or omission, he shall be liable to a fine which may extend to fifty rupees: provided that every person who shall have paid any fine under the provisions of this section shall thereupon cease to be a member of the panchayat, and shall not be liable to be re-appointed a member of panchayat for the space of three years from the day of the payment of such fine.

(a) The words "thirty" and "three" were substituted for "fifteen" and "two" by s. 4, Act I (B. C.) of 1886.

(b) The duties of the panchayat are defined in ss. 11, 12, 13, 16, 18, 22, 26, 27, 35, 36, 41, 42, 44, 49, 50, and 54 and in rule VIII made under s. 65 of the Act. (See Appendix I.)

(c) Fines imposed under this section are realisable under the procedure of the Penal and Criminal Procedure Codes. (*Vide* s. 4, Act V (B. C.) of 1867.)

9. Every member of a panchayat, appointed under s. 3, shall be appointed for the term of three years. Every member of a panchayat, appointed under s. 6, shall be appointed only for a term equal to the unexpired portion of the term for which the member whom he succeeds was appointed.

Period for which panchayat to be appointed.

9A. No member of a panchayat, after the expiry of his term of office, shall be again appointed a member of a panchayat without his consent, till after the lapse of three years.

Exemption from serving on panchayat.

9B. On the expiry of the term for which the members of a panchayat were appointed, the District Magistrate shall appoint a new panchayat in the manner prescribed in s. 3, the outgoing panchayat continuing to exercise all the functions of a panchayat until such new panchayat has been appointed.

(a) As amended by s. 5, Act I (B. C.) of 1886.

(b) The most convenient term for the appointment of a panchayat is with effect from the first day of Bysakh, the Bengali New Year's Day. If this cannot be done, the appointments should, if possible, be made from the first day of one of the other three quarters, i.e., from 1st Sraban, 1st Kartick, or 1st Magh. See note to s. 21.

10. It shall be lawful for the District Magistrate, by an order in writing signed by him, to remove or discharge any member of a panchayat.

Power to remove members of panchayat.

11. The District Magistrate shall determine the number of chaukidars to be employed in a village :

Number of chaukidars to be determined by the District Magistrate.

Provided that, without the sanction of the Commissioner, there shall not be more than one chaukidar for every sixty houses.

(a) This important section was substituted by s. 7, Act I (B. C.) of 1892. It transfers the decision as to the number of chaukidars in each village from the panchayat to the District Magistrate.

(b) The houses referred to are presumably inhabited and not empty or deserted houses.

12. The salaries of chaukidars appointed shall be determined by the District Magistrate:

The District Magistrate to determine salaries of chaukidars.

Provided that such salaries shall not be less than two nor more than six rupees per mensem.

(a) This section, like s. 11, was substituted by s. 8, Act I (B.C.) of 1892, and leaves to the District Magistrate, instead of to the panchayat, the decision as to the *amount* of the chaukidars' salaries. The minimum has been reduced from Rs. 3 to Rs. 2, while the maximum of Rs. 6 remains the same. The reduction was necessary to meet the case of small isolated hamlets, the inhabitants of which are too few or too poor to be able to pay more than Rs. 2.

13. The panchayat shall impose an assessment yearly in each village equal to the amount required for the pay and equipment of the chaukidars, together with fifteen per cent. above such amount, in order to provide for payment of the expenses of collection and losses from the non-realization of the rate from defaulters.

Salaries to be provided by assessment.

(a) Substituted by s. 9, Act I (B. C.) of 1892. The words "and equipment" are new and provide for such items as the chaukidars' uniform, &c.

(b) The following Government orders bear on the question of uniform: (Government letter No. P. $\frac{B}{S}$ 7, dated 16th January 1890, to the Commissioner of Burdwan)—"In consequence of the remarks contained in paragraph 4 of the Resolution on the Police Administration Report for 1887, regarding the dressing up of village chaukidars in expensive uniform, it has been represented to Government that chaukidars should be so dressed as to be readily distinguishable.

"The Lieutenant-Governor has no objection to the wearing of some *cheap* uniform by chaukidars, and he understands that in certain districts chaukidars have of their own accord adopted such uniform. Sir Stuart Bayley would be glad if panchayats could be induced by district officers to recognise the propriety of granting a small increase of pay to chaukidars just sufficient to cover the cost of the uniform, and in that case the chaukidars might, in addition to the chapras, wear a blue turban and jumper of some inexpensive material to be obtained locally by them without having recourse to official agency. Economy being a *sine quâ non*, similarity in cut and shade need not be insisted

on. The cost of the uniform (which should last at least two years) need not exceed Rs. 2-8 at the outside.

It has come to the notice of Government that in some districts chaukidars and others have been required to wear a colourable imitation of police uniform. This should be discouraged, and chaukidars, paiks, ghatwals, simanadars, pharidars, and the like, should not be allowed to wear such uniform."

(c) Under s. 24 the surplus of the previous year should be deducted before the assessment is made for any year.

(d) The 15 per cent. referred to in this section is to be collected whether the panchayat or a tahsildar appointed under s. 46B collects the tax (Government Circular No 18 J. D., dated 28th September 1886).

(e) If the panchayat fail to perform its functions, the District Magistrate can assume them under s. 62.

14. All owners or occupiers of houses in any village, and any person who has within such village a cutcherry for collecting rents, shall be liable to assessment for the purposes of this Act.

(a) This section was substituted by s. 10, Act I (B. C.) of 1892. The word "village" is subject to the provisions of s. 4.

(b) Tomlin's Law Dictionary defines a "house" as "a place of dwelling or habitation." It would seem therefore that Government buildings, such as cutcherries, thanas, schools, post-offices, &c., are exempt from assessment under this section. Further, by rule of English Law the Crown is not bound by Statute unless named in it; and in "Maxwell's Interpretation of Statutes," pp. 112-113, cases are cited of the exemption from poor-rates of properties of the State occupied by their servants for public purposes: e.g., the Horse Guards and Admiralty. The above exemption would not, however, apply to any part of such buildings voluntarily occupied as residences, and in such cases the occupants should probably pay the chaukidari taxes themselves on the principle laid down for Municipal taxes in Government Resolution of the 28th April 1880.

15. The rate to be levied in any village for the purposes of this Act shall be an assessment according to the circumstances and the property to be protected of the persons liable to

the same : provided that the amount to be assessed on any one person shall not be more than one rupee per mensem, and that all persons who, in the opinion of the panchayat, are too poor to pay half an anna a month, shall be altogether exempt from assessment under this Act.

16. The panchayat shall, two clear months before the Time and form of first day of the year current in the assessment, village, make such assessment upon the several persons liable thereto, and shall enter the same in a list, which shall specify the name of each person liable to be assessed, the trade, business, or other description of such person, and the amount payable monthly by such person, and such list shall be by them published in some conspicuous part of the village at least fifteen days before the expiry of the said two months.

(a) Under Rule I, Appendix I, the District Magistrate may determine what is the year current in any village.

(b) For form of list, &c., which must be signed by each member of the panchayat, see Rules I and II, Appendix I. (Executive Form No. 174, new.

(c) The word "monthly" has been left intact in this section, though altered to "quarterly" in s. 21, by Act I (B. C.) of 1871.

17. The panchayat may, instead of making a new Power to continue ● assessment, revise or continue the former assessment. assessment of the current year, and the assessment so revised or continued shall be in like manner published.

18. Every assessment so made, revised or continued, shall commence and take effect Duration of assess- upon the first day of the year current in the village next ensuing ment.

the date of publication thereof, and shall remain in force for one year, and until some other assessment properly made or revised under the provisions of this Act shall commence and take effect.

(a) The following sections added by Act I (B. C.) of 1871, provide for the intermediate assessment to be made on the first introduction of the Act into any village or union, when the provisions of s. 16 cannot be strictly followed :—

II. Whenever a panchayat shall have been appointed in any village, the District Magistrate may direct that such panchayat shall, within one month after their appointment, make an assessment for the residue of the year according to the year current in the village upon the persons liable to the payment of the chaukidari rate in such village, and shall enter the same in a list containing the particulars required to be set forth in the list mentioned in s. 16 of the said Act. Such list shall on its completion be forthwith published in some conspicuous part of the said village.

III. Every assessment so made shall commence and take effect upon the expiration of 15 days from the publication of such list.

Assessment to take effect within 15 days.

IV. Every such assessment shall be deemed to be an assessment made in pursuance of the provisions of the said Act, and the amounts thereby assessed may be collected and enforced accordingly.

Effect of assessment.

(b) Section 7, Act I (B. C.) of 1871, says: "This Act shall be read with, and as part of, the said Act VI of 1870." The procedure of

s. 19 *et seq.* applies, therefore, equally to assessments made under the above sections and under s. 16 of Act VI (B. C.) of 1870.

(c) The Act does not apparently make any provision for the assessment on any new comers to the village until the general assessment is revised.

19. Any person dissatisfied with the amount at which he has been assessed may, within one month after any publication of any assessment, apply to the panchayat, either orally or in writing, for a revision of the assessment, and the panchayat may confirm the assessment or amend the same.

(a) The mode of hearing and disposing of objections under this section is provided for by Rule III, Appendix I.

(b) This section provides for disputes as to *ability*, and s. 30 as to *liability* to pay the tax. Under s. 20 the District Magistrate has the power of general revision of any assessment at any stage, and under s. 47 he is *bound* to revise the assessment under the circumstances therein set forth.

(c) A written petition of objection under this section is apparently exempt from stamp-duty under s. 19, xxi, of the Court-Fees Act.

20. No appeal, as of right, shall lie from any order passed by a panchayat as regards the revision of any assessment, but the District Magistrate may call for the general list of assessment in any village, and shall so call for such list on the application of ten rate-payers in such village, and may pass such orders on any list so called for as he may think proper.

(a) The application under this section should bear a court-fee stamp of 8 annas under Art. 1 (b), Schedule II of the Court-Fees Act.

21. Every rate to be payable under this Act shall be

payable by equal quarterly instalments; the instalment

Rate payable quarterly in advance. of rate on account of each quarter shall be due on the first day of such quarter.

(a) As amended by s. 5, Act I (B. C.) of 1871.

(b) The quarters of the Bengali year are as under :—

1st Quarter.	2nd Quarter.	3rd Quarter.	4th Quarter.
1. Boisakh (April—May)	4. Sraban (July—Aug.)	7. Kartick (Oct.—Nov.)	10. Magh (Jan.—Feb.)
2. Joishta (May—June)	5. Bhadra (Aug.—Sept.)	8. Aghran (Nov.—Dec.)	11. Phalgun (Feb.—March)
3. Asar (June—July)	6. Asin (Sept.—Oct.)	9. Posh (Dec.—Jan.)	12. Choitro (March—April)

22. Every panchayat shall appoint one of their number to receive and collect the rate, and to grant receipts for the same, and to keep the accounts thereof, and it shall be lawful for the panchayat to permit the person so appointed to retain any sum not exceeding ten per cent. of the amount collected by him to repay the costs of such collection.

(a) As amended by Act I (B.C.) of 1886.

(b) For forms of registers and accounts, see Rule VIII, Appendix I, which also provides for the granting of receipts to tax-payers.

(c) These receipts should, if possible, be in printed cheque-forms with counterfoil. The panchayat can pay for them from the ten per cent. allowed by this section.

(d) The panchayat appointed under this section is called the collecting member. Under Rule IV, Appendix I, he is bound to keep the papers, records, accounts, money, &c. Under Rule VI, a diary should be kept of all proceedings, orders, and action taken by the panchayat, and it is to be open to general inspection.

23. The proceeds of every assessment to be levied under this Act in any village, together with any sum which may become applicable to the purposes of this Act, shall constitute a fund, which shall be called the Chaukidari Fund of such village.

*Constitution of Cha-
kidari Fund.* (a) Under revised s. 42, all fines and penalties levied under this Act are not to be credited to the Village Chaukidari Fund, but to a "District Chaukidari Reward Fund."

(b) Under s. 52, however, the Village Chaunkidari Fund is to be credited with the rents of chakran lands settled with the zemindar under Part II of the Act.

24. If at the end of any year any surplus of the fund may remain unexpended, such surplus shall be carried to the credit of the Chaukidari Fund for the ensuing year, and the amount to be raised by assessment in such ensuing year may, in such case, be reduced by the amount of such surplus.

(a) The Act is permissive as regards the reduction of the next year's assessment by the amount of the surplus; but Govt. Cir. 18 J. D., dated 28th Sept. 1886, says: "The surplus remaining at the end of the year *is to be* deducted from the following year's assessment."

(b) Part of the surplus may also be appropriated under s. 46.

25. Every person liable to pay any sum assessed upon him under this Act shall, within seven days after the day upon which any instalment of rate may be payable by him, pay or tender such instalment to the person appointed by the panchayat to receive the same.

*Payment of instal-
ment to be made within
seven days.* (a) Printed receipt forms are supplied on indent by the Superintendent of Stationery under Govt. orders (Police No. 4155 J, dated 18th October 1887,) to his address.

26. Immediately after the tenth day of each quarter, the panchayat of every village to which the provisions of this Act extend, shall prepare a list of the persons who may have failed to pay their respective instalments of the rate for such quarter, showing the amount due from each of such defaulters, and shall publish such list in some conspicuous part of the village.

(a) As amended by s. 5, Act I (B.C.) of 1871.

27. The collecting member of the panchayat shall thereupon issue a writing in the form in schedule (A),* signed by him, authorizing the chaukidar, or such other person as may be therein named, to levy by the distraint and sale of a sufficient portion of the moveable property of such defaulters, the amount of their respective arrears, together with sums equal to such arrears respectively by way of penalty.

(a) Under Rule II, Appendix I, a record of all such proceedings is to be kept by the collecting member.

28. The person so authorized shall seize such moveable property of such respective defaulters as he shall deem sufficient, and shall make an inventory of all moveable property so seized, and shall, at the same time, give notice, by beat of drum, of the time and place where such moveable property shall be sold. Such time of sale shall be not less than two days, nor more than five days, from the time of the proclamation thereof.

* Executive Form No. 151.

29. In case any defaulter shall not, within the time specified by such notice, pay the amount of such arrears payable by him, together with an equal amount by way of penalty, the moveable property distrained, or such portion of it as may be necessary, shall be sold by public outcry at the place and time specified, and the proceeds shall be applied in discharge of such amount and penalty, and the surplus, if any, shall be returned to the person in possession of the moveable property at the time of the seizure.

(a) Under Rule V, Appendix I, two members of the panchayat must be present at every sale held under this section.

30. Whenever any person whose name may have been included in any list of defaulters may dispute his liability to pay the amount mentioned in such list or any portion thereof, he may apply to the District Magistrate either orally or in writing, stating the grounds of the objection, and the District Magistrate shall examine his objection and pass such order thereon as to him shall seem proper.

(a) See note to s. 19.

(b) Under Rule VII, Appendix I, the panchayat should stay the sale for five days if the objector informs them that he wishes to refer to the District Magistrate.

31. Any property distrained under the provisions of s. 28 shall remain in the custody of the chaukidar, or of some other person whom the panchayat may appoint in that behalf.

32. All goods and chattels, except plough-cattle and tools and implements of trade or agriculture, found in or upon any

house or land occupied by any defaulter, shall be deemed to be his property, and shall be liable to be distrained and sold for the recovery of the arrear. If the goods and chattels distrained belong to any person other than the defaulter, the defaulter shall be liable to indemnify the owner of such goods and chattels for any damage he may sustain by reason of such distress, or by reason of any payment he may make to avoid such distress or any sale under the same.

33. No arrears of any rate payable under this Act shall be recovered by distress after the expiration of one year from the day on which the same shall have become due.

34. No distress levied by virtue of this Act shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in any list, assessment, notice, summons, power, writing, inventory or other proceeding relating thereto, nor shall such party be deemed a trespasser from the commencement on account of any irregularity afterwards committed by him, but all persons aggrieved by such irregularity may recover full satisfaction for any special damage sustained by them, in any court of competent jurisdiction, subject to the provisions of s. 63 of this Act.

35. (1) The panchayat shall, when a vacancy exists, nominate a person to be a chaukidar under this Act, and the District Magistrate shall, if satisfied with such nomination, appoint such nominee to be chaukidar:

Provided that if the panchayat fail to nominate within a reasonable time a person to be a chaukidar, or the District Magistrate is not satisfied with such nomination, the District Magistrate shall appoint any person he thinks fit to be a chaukidar.

(2) The District Magistrate, or the panchayat with the sanction of the District Magistrate, may, from time to time, dismiss any chaukidar so appointed.

(a) As amended by s. 11, Act I (B. C.) of 1892.

(b) Under the old law the panchayat appointed the chaukidar, but could only dismiss him with the sanction of the Magistrate.

36 & 37. *Repealed by s. 12, Act I, B.C., of 1892.*

38. Every chaukidar who may be guilty of any wilful misconduct in his office, or neglect of his duty—such misconduct or neglect not being an offence within the meaning of the Indian Penal Code, and not being of so grave a character as in the opinion of the District Magistrate to require his dismissal from his office—shall be liable to a fine which shall not exceed the amount of one month's salary.

(a) The fines imposed under this section are, under s. 42, to be credited to the "District Chaukidari Reward Fund."

(b) It is not said who can impose the fines but it is presumably the persons by whom the chaukidar is appointed, i.e., the District Magistrate or any person to whom he has, under s. 3A, delegated the power of appointment under s. 35.

39. "Every chaukidar appointed under the provisions of this Act shall perform the following duties:—

1st.—He shall give immediate information to the officer in charge of the Police-station, within the limits of which the village is situate, of every unnatural,

suspicious or sudden death which may occur, and of any offence specified in Schedule B which may be committed within his village, and he shall further keep the police informed of all disputes which are likely to lead to any riot or serious affray.

2nd.—He shall arrest all proclaimed offenders and any person who in his presence commits any offence specified in Schedule B, and any person against whom a hue-and-cry has been raised of his having been concerned in any such offence, whether such offence has been or is being committed within his village or outside of it, and shall, without delay, convey any person so arrested to the said Police-station.

3rd.—He shall, to the best of his ability, prevent, and may interpose for the purpose of preventing, the commission of any offence specified in the said schedule.

4th.—He shall assist private persons in making such arrests as they may lawfully make, and shall report such arrests without delay to the officer in charge of the said Police-station.

5th.—He shall observe, and, from time to time, report to the officer aforesaid, the movements of all bad characters within his village.

6th.—He shall report to the officer in charge of such Police-station the arrival of suspicious characters in the neighbourhood.

7th.—He shall report to the officer aforesaid, in a form signed by one member of the panchayat, the births and deaths, if any, which have occurred within his village at such intervals as the District Magistrate may determine.

8th.—He shall report to the officer aforesaid the death or absence for more than two consecutive months of any member of the panchayat.

9th.—He shall supply any local information which the District Magistrate or any officer of police may require.

10th.—He shall obey the orders of the panchayat in regard to keeping watch within his village and other matters connected with his duties as chaukidar.

11th.—He shall assist the person collecting the rate in making such collection."

(a) This section has been enlarged by s. 13, Act I (B. C.) of 1892. Clauses 3, 4, 7 and 8 and the second part of clause 2 are new and considerably extend the sphere of the chaukidar's utility. Old clause 5, which provided for the attendance of chaukidars at the thana, has been omitted and provided for by executive order (see Appendix V).

(b) A chaukidar disobeying any of these directions of the law is liable to prosecution under ss. 166, 176, 187, 202 and 221 of the Penal Code (see Appendix IV). Departmental punishment is provided for by s. 38.

(c) Fines levied under the above sections of the Penal Code are not due to the "District Chaukidari Reward Fund," but those imposed under s. 38 are. See s. 42.

(d) By s. 21, Act V of 1861, no "Village Police-officer" shall be enrolled as a Police-officer under the above Act without his consent and the consent of those who have the right of nomination, *i e.*, of the panchayat under s. 35 of this Act, and of the zemindar under Regn. XX of 1817 (*vide* Appendix IV). The words "Village Police-officer" would apparently include all Village Police-officers not enrolled under Act V of 1861, *e.g.*, chaukidars, paiks, ghatwals, pharidars, &c.

(e) With this section compare s. 45, C. C. and the sections of the P. C. referred to in Appendix IV.

40. Whenever the chaukidar may arrest any person
 Procedure on arrest such chaukidar shall forthwith take
 by chaukidars. the person so arrested to the Police-
 station within the limits of which such village is situate :

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provided that if the arrest is made at night, such person shall be so taken, as soon as convenient, on the following morning.

41. The panchayat shall exercise a general control over the chaukidars, and every member of such panchayat, whomay know or be informed of the commission within the village of any offence specified in schedule (B) of this Act, shall forthwith cause the same to be reported by the chaukidar to the officer in charge of the Police-station within the limits of which the village may be situate ; and on failure of the chaukidar, such member shall himself report the same, or cause the same to be reported to such officer.

(a) As amended by Act I (B. C.) of 1896. See also s. 66.

(b) Failure to comply with the provisions of this section renders a panchayat liable to the penalties prescribed in ss. 176 and 202, Penal Code.

(c) Under Rule X (Appendix I) the thana police are to receive from the chaukidar and forward to the Magistrate all reports, explanations, &c., which the panchayat may wish to send There is, therefore, *ordinarily*, no excuse for their non-compliance with the provisions of this section.

42. All fines and penalties levied under this Act shall be credited to a District Chaukidari Reward Fund, the control over which shall rest with the District Magistrate.

(a) This section creates a new fund (quite apart from the Village Chaukidari Fund constituted by s. 23) with the object of rewarding chaukidars for good work, and will prove a powerful aid to District Magistrates and Police-officers in raising their status and improving their *personnel*.

(b) The sections under which fines and penalties can be levied under *this Act* are ss. 8, 27, and 38.

43. Every chaukidar shall receive, quarter by quarter, the full amount of his salary from such officer as the Local Government may by rules made under this Act prescribe or direct.

(a) As amended by Act I (B. C.) of 1892.

44. Within thirty days after the end of each quarter, every panchayat shall pay or remit quarterly amounts for payment of chaukidars, &c. the Local Government may prescribe or direct under the last foregoing section a sum equal to the pay of the chaukidar for the quarter, or any smaller amount which may stand to the credit of the Chaukidari Fund of the village.

(a) As amended by Act I (B. C.) of 1886, and Act I (B. C.) of 1892.

45. If it shall appear to the District Magistrate that there is no money to the credit of the Village Chaukidari Fund, and that the panchayat shall not have taken sufficient steps to realise from defaulters the arrears due from them, the District Magistrate may issue his warrant for the realisation of the chaukidar's pay from the members of the panchayat by distress and sale of their moveable property, and shall therein charge some person therein named with the execution thereof, and upon such warrant such proceedings shall be had as hereinbefore directed to be had on any writing issued for the recovery of any arrears of the tax by this Act directed to be levied; and the amount due to such chaukidar shall be paid to

him out of the amount so levied, and the residue thereof, after payment thereof of all costs and expenses incurred in or about the execution of such warrant, shall be paid to the persons from whom such distress shall have been so levied.

An application for the appointment of a tahsildar under s. 46A shall not of itself be deemed a sufficient step to realise from defaulters the arrears due from them.

(a) The words "Magistrate *may* issue" were substituted for the words "Magistrate *shall* issue," and the second clause was added by s. 12, Act I (B. C.) of 1886.

(b) For mode of service of warrants, levy of fees, &c., under this section, see abstract of Govt. Circulars Nos. 50 and 64, Appendix II.

(c) The form of warrant is Executive Form No. 169.

46. Any member of a panchayat, from or by whom any sum shall have been levied or Reimbursement of member of panchayat by whom salary is paid. paid under the provisions of the section last preceding, shall be reimbursed the amount so levied from or paid by him from any surplus of the Village Chaukidari Fund, which may remain at the end of the year in which such sum shall have been so levied or paid.

(a) The costs of the warrant under the Government Circulars quoted in Appendix II, should be paid by the panchayat from their own pocket, and not from the Village Chaukidari Fund.

(b) See also s. 24 and the notes under it.

46A. The District Magistrate may at any time, on Appointment of the application of the panchayat of tahsildar. any village, or of his own motion, if in his opinion the collection of the rate is badly carried out, or if the chaukidar is not regularly paid, appoint a tahsildar to assist the person collecting the rate; and such tahsildar shall exercise all the powers vested in the

panchayat for the collection of the said rate; and the District Magistrate shall, on a like application, and he may of his own motion, revoke such appointment.

(a) As amended by s. 17, Act I (B. C.) of 1892.

(b) Printed forms of letters of appointment of a tahsildar are supplied by the Superintendent of Stationery—*vide* G. O. Police No. 4155J., dated 18th October 1887, to his address.

46B. Every tahsildar appointed under the last foregoing section shall be remunerated at such rate and in such manner as the District Magistrate may, from time to time, with the sanction of the Commissioner of the Division, prescribe; and such remuneration shall be levied from those who have failed to pay their chaukidari assessments in the same manner, and in the same proportion, as the chaukidari assessment:

“Provided that one tahsildar may, in the discretion of the District Magistrate, be appointed for more than one village.”

(a) Sections 46A and 46B were added by Act I (B. C.) of 1886.

(b) The tahsildar is not to be paid from the 15 per cent. mentioned in s. 13, but by the defaulters only, who must be ascertained and assessed in proportion to the tax assessed on them. (Government Circular 18 J.D., dated 28th September 1886.)

47. If it shall appear to the District Magistrate that the deficiency of the funds to the credit of the Village Chaukidari Fund has been caused by an erroneous assessment, the District Magistrate shall call for the assessment and revise the same as he shall think proper, and shall remit the same to the panchayat, and such panchayat shall forthwith proceed to levy the sums respectively appearing to be due by such revised assessment.

(a) Other revisions are provided for by ss. 19 and 20.

PART II.

Chaukidari Chakran Lands.

48. All chaukidari chakran lands before the passing of this Act assigned for the benefit of any village in which a panchayat shall be appointed shall be transferred in manner and subject as hereinafter mentioned to the zemindar of the estate or tenure within which may be situate such lands.

Chaukidari chakran lands to be transferred to the zemindars.

(a) There is a distinction between the "*chaukidari chakran*" lands mentioned in this section and the "*thanadari*" ("Mâl saranjami" or "Gram saranjami") lands which were made resumable by Regulation I of 1793, s. 8, cl. 4. The former were dealt with by Regulation VIII of 1793, s. 41, and annexed to the *malguzari* lands and declared responsible for the public revenue whether held by public officers or by private servants in lieu of wages.

The case of Joykisen Mookerjee, reported in vol. 10, Moore's Indian Appeals, p. 16, W. R., I., p. 26, and Mr. D. J. McNeill's Report of 1866 on the Village Watch of Bengal, p. 11, may be referred to in this connection.

(b) For the procedure for replacing chaukidari chakran lands taken up for a public purpose under the Land Acquisition Act, see Board's Rules, vol. I, p. 107, and Board's Circular No. 2 of December 1887, which has retrospective effect. (Board's No. 108A, dated 16th February 1888, to Commissioner of Burdwan.)

(c) Section 364, Act III (B. C.) of 1884 (The Bengal Municipal Act), is as follows: "Notwithstanding anything contained in s. 8 of Bengal Act VI of 1970, . . . the provisions of Part II of the said Act, relating to chaukidari chakran lands, shall be applicable to all such lands which have been assigned before the commencement of the said Act for the benefit of any part of a Municipality; and all duties and functions which the panchayat of a village or any member thereof is required to discharge, under the provisions of the said part, shall be discharged, and all powers which the panchayat of a village or any member thereof is authorized to exercise under the said part shall be exercised by the Commissioners of such Municipality, and the proceeds of the assessment on such lands made under the

(d) The following Form of Report used by the Police in the Hooghly District, whenever any "Pharidari" holding is to be resumed and settled by the Collector on behalf of Government, may prove useful in other districts.

Name of the service-holder who possessed the land.	Date of his death, dismissal, removal or resignation, as the case may be.	DESCRIPTION OF THE LAND POSSESSED BY THE SERVICE-TENURE-HOLDER.											REMARKS.
		Number of plots.	Area.	Boundaries.	Mouzah.	Fargana.	Thanna.	In what estate or semindari the land is situated and who is the proprietor of the estate and his place of residence.	Name and residence of the jotedars.	Annual Jama now paid by each Jotedar.	Up to what period each Jotedar has paid rent to the Phanidar.	Balance due from each Jotedar and for what period.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

said part shall be paid into the Municipal Fund, and shall be available for the purposes of such fund."

The above section was passed after the Government had relieved the mofussil municipalities of the burden of paying for their own police (*vide* Government Resolution, dated 20th February 1882, published at page 174 of the Supplement to the *Calcutta Gazette* of 1st March 1882). It seems, therefore, certain that, as the law now stands, the proceeds of chakran lands in municipalities can legally be applied to purposes other than those of police.

The Resolution quoted gives as one of the reasons for the concession made by Government—the pressing need of sanitary and other works in municipalities.

(d) See the Form opposite.

49. All lands so transferred shall be subject to an Assessment to be fixed at one-half value. assessment which shall be fixed at one-half of the annual value of such land according to the average rates of letting land similar in quality in the neighbourhood of such land, and such assessment shall be made by the panchayat of the village.

(a) The assessment is fixed at one-half, because the services of the chaukidar were assumed to belong half to the public and half to the zemindar. See note to s. 48, and p. 25 of Mr. D. J. McNeile's Report.

50. Such assessment when made by the panchayat Collector to make shall be submitted to the Collector transfer. of the district, and he or any other officer exercising the powers of a Collector by him thereunto appointed may approve, or revise and approve, the same (provided that it shall be lawful for the zemindar to contest the assessment before it is so approved), and after such approval the Collector of the district shall, by an order under his hand in the form in Schedule (C), transfer to such zemindar such land subject to the assessment so approved.

(a) Form Schedule C is printed as Executive Form No. 152.

(b) The Act is silent as to what is to be done if the zemindar refuse to take over the land. In such cases the Collector would probably be justified in farming out or otherwise settling the land year by year through the panchayat to whom the rent would be payable for credit to the Village Chaukidari Fund. The zemindar might of course reconsider his refusal and claim transfer at any time.

51. Such order shall operate to transfer to such
 Effect of transfer. zemindar the land therein mentioned subject to the amount of assessment therein mentioned, and subject to all contracts theretofore made in respect of, under, or by virtue of which any person other than the zemindar may have any right to any land, portion of his estate, or tenure, in the place in which such land may be situate.

52. The amount of the assessment mentioned in such
 Assessment to be a permanent charge on lands. order shall be a permanent yearly charge on such land, and shall be payable to the collecting member of the panchayat yearly, in advance, on the first day of the year current in the village, by the person for the time being entitled to recover the rents of such land from the occupier thereof.

53. Every such assessment shall be deemed to be a
 Mode of realisation. demand to be realised in the manner hereinafter provided.

54. Whenever such assessment shall be in arrear for
 Notice of arrear. the space of fifteen days after it shall have become payable, the collecting member of the panchayat shall forward to the Collector of the district in which the land so assessed is situate, notice of the amount of such arrear and the

name of the person liable to pay such assessment in the form in Schedule (D) annexed to this Act.

(a) The form in Schedule D is printed as Executive Form No. 153.

55. Immediately after the receipt of the said notice
 Mode and effect of the Collector or other officer author-
 sale, ized to hold sales under the law for
 the time being in force for regulating sales of land for
 arrears of revenue shall proceed, without any preliminary
 notice for payment, to issue a notification for sale under
 s. 6 of Act XI of 1859, passed by the Legislative Council
 of India, and, unless the arrears be paid within the time
 mentioned in such notification, shall sell such land accord-
 ing to the provisions of such law as if such land were an
 estate within the meaning of Act VII of 1868, passed by
 the Lieutenant-Governor of Bengal in Council; and all
 provisions of the law for the time being in force with
 respect to the sale of such estates shall apply to the sale
 of such land, and every such sale shall have such, and
 the same, force and effect as if the same were a sale of
 an estate for arrears of its own revenue, and such land
 shall be held by the purchaser thereof subject to such
 assessment, but freed from all other charges and incum-
 brances save those to which he would have been liable
 if the said land had been an estate sold for arrears of
 its own revenue.

56. Such Collector shall, out of the proceeds of such
 Application of pro- sale, after defraying the costs of,
 ceeds of sale. and attending, such sale, pay to
 the collecting member of the panchayat, within one
 week after such sale shall have become final, the amount
 due for arrears of such assessment, and pay the balance

of such proceeds to the person named in the notice from the collecting member of the panchayat as the person liable to pay the assessment of such land.

(a) The sale becomes final at noon of the 60th day from the day of sale. See s. 27, Act XI of 1859.

57. When any land shall have been transferred to any zemindar under the provisions hereinbefore contained, the right to the performance of any services to any person by the occupier of such lands in respect of his occupation thereof shall wholly cease and determine.

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58. In any district or part of a district in which may be situated lands, before the passing of this Act, assigned for the maintenance of an officer to keep watch in any village and to report crime to the police, it shall be lawful for the Lieutenant-Governor of Bengal, by an order to be published in the *Calcutta Gazette*, to appoint a commission, consisting of one or more persons, to ascertain and determine the chaukidari chakran lands and other lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the police in such district.

59. Whenever in any district in which such commission shall have been appointed any question shall arise whether any or what lands are chaukidari

Power to refer to commission question relating to chakran land.

chakran lands, or other lands, before the passing of this Act, assigned for the maintenance of an officer to keep watch in any village and to report crime to the police, it shall be lawful for such commission to inquire into such question.

60. In inquiring into such question the commission shall, as far as may be necessary for the purposes of this Act, exercise all such, and the same, powers as are conferred by Regulation VII of 1822, and the Regulations and Acts amending the same, upon a Collector making a settlement of land-revenue.

61. Such commission shall demarcate the boundaries of any lands which they may determine to be chaukidari chakran lands, or other lands before the passing of this Act assigned for the maintenance of an officer to keep watch in any village and to report crime to the police, and shall make orders under their hand setting forth the land which they shall have determined to be chaukidari chakran lands or other lands as aforesaid, and the boundaries thereof, and the name of the village for the benefit of which such lands are assigned, and distinguishing whether such lands be or be not chaukidari chakran lands or other lands as aforesaid. Every such order shall be final and conclusive respecting all matters hereinbefore required to be set forth in such order, so far as the same shall be therein set forth.



PART III.

Miscellaneous Provisions.

62. All powers vested in the panchayat for the nomination and dismissal of chaukidars and for making the assessments hereinbefore directed to be made may, in case the panchayat, after a notice in writing from the District Magistrate to exercise such powers, or any of them, refuse, or, after the lapse of a reasonable time in that behalf, neglect forthwith to exercise the same, be exercised by the District Magistrate.

Powers of the panchayat may be exercised by the District Magistrate.

(a) As amended by s. 18, Act I (B. C.) of 1892.

63. No action shall be brought against the District Magistrate, nor against any panchayat, nor against any member thereof, nor against any of his or their officers, nor against any person acting under his or their direction, for anything done or professing or purporting to be done under this Act, until the expiration of one month next after notice in writing shall have been delivered or left at the office of the District Magistrate and at the place of abode of such person, explicitly stating the cause of action, and the name and place of abode of the intended plaintiff; and unless such notice be proved, the court shall find for the defendant, and every such action shall be commenced within three months next after the accrual of the cause of action, and not afterwards; and if any person to whom any such notice of action is given shall, before action be brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover.

Indemnity clause.

(a) In the case of any civil action, the Civil Suit Rules would, under Rule 51 thereof, apply to cases under this section. In criminal cases the rules forwarded with Govt. Circular 3 J. D., dated 4th September 1885, apply.

64. The Commissioner of Circuit shall have a general controlling power over all proceedings of panchayats and District Magistrates under this Act.

Control vested in Commissioners of Circuit.

65. The Lieutenant-Governor of Bengal may, from time to time, frame rules for the guidance of the panchayats, for regulating the practice and procedure of any commission in trying or determining any question referred to them and for any other purposes connected with this Act, and may, from time to time, alter, vary, or revoke the same, and shall publish every such rule or alteration, variation or revocation of a rule in the *Calcutta Gazette*, and the rules for the time being in force shall, from their publication, have such and the same force and effect as if they were herein enacted.

Rules for guidance of panchayat.

(a) The rules framed by the Lieutenant-Governor under this section will be found in Appendix I.

66. Nothing in this Act contained shall diminish or in any way affect any liability, duty, or obligation of any zemindar under any law in force at the time of the passing of this Act to report crimes or offences occurring within his estate or tenure.

Duty of zemindars to report crimes not affected.

(a) The ordinary liability referred to is that contained in s. 45 of the Code of Criminal Procedure. A similar liability is imposed on certain persons by ss. 21, 22, Act XXVII of 1871 (Criminal Tribes Act) and cl. 10, s. 21, Regulation XX of 1817. See Appendix IV.

67. Nothing in this Act contained, save the provisions of ss. 58, 59, 60, and 61, shall affect any lands before the passing of this Act assigned for the maintenance, in any village in which a panchayat may not be appointed, of an officer to keep watch in such village and to report crime to the police, and every such officer in such village shall be bound to perform the same duties, and shall have the same rights unto such lands, and may be removed and a successor to him appointed as if this Act had not been passed.

Village watch where panchayat not appointed not affected.

68. This Act shall commence and take effect in those districts or sub-divisions of districts in the provinces subject to the Lieutenant-Governor of Bengal to which the said Lieutenant-Governor shall extend it by an order published in the *Calcutta Gazette*, and thereupon this Act shall commence and take effect in the districts and sub-divisions of districts named in such order on the day which shall be in such order provided for the commencement thereof.

Commencement of Act.

69. This Act may be called "The Village Chaukidari Act, 1870."

Short title.

SCHEDULE A—(*referred to in Section 27*).

Form of Distraining Warrant.

Act VI of 1870.

VILLAGE CHAUKIDARI FUND.

ON behalf of the panchayat of (). Where-
as the several persons named in the list at foot hereof
have made default in payment to the said panchayat of

the sums in the said list set opposite to their respective names, you are hereby authorized and required to levy by distress and sale of a sufficient portion of the moveable property of the said defaulters the said several sums set opposite to their respective names, together with additional sums by way of penalty respectively equal to the sums set forth.

Dated day of 18

(Sd.) R. B.,
Collecting Member.

Name and description.	Amount.	When due.	Penalty.
B. G.	... 1-0	... 1 Bysack	... 1-0
K. B.	... 0-2	... 1 „	... 0-2

SCHEDULE B—(as amended by Section 19, Act I, B. C., of 1892, referred to in Sections 39 and 41).

Offences to be reported and for which a chaukidar may arrest.

MURDER, culpable homicide, rape (when the offender is not the husband of the woman raped), dacoity, robbery, theft, mischief by fire, house-breaking, counterfeiting coins, causing grievous hurt, riot, administering stupefying drugs, kidnapping, and all attempts and preparations to commit, and abetments of, the said offences.

SCHEDULE C—(referred to in Section 50).

Form of Transferring Order.

District of

I,

Collector of

do by this order under my hand, made in pursuance of Act VI of 1870, passed by the Lieutenant-Governor of

Bengal in Council, transfer to
 , zemindar of , the
 chaukidari chakran lands of the village of , in
 the said , bounded , and contain-
 ing beeghas cottahs; to hold unto
 the said his heirs and assigns, subject to
 the annual assessment of Rs., payable under
 the provisions of the said Act to the Chaukidari Fund of
 the said village, and also subject to all contracts binding
 the said in respect of any lands,
 portion of the said situated within the said
 village.

The day of 18

(Sd.) J. S.,
Collector of

SCHEDULE D—(*referred to in Section 54*).

Form of Notice of arrears of assessment on land.

Panchayat of

To A. B., Esq., *Collector of*

SIR,

I hereby notify to you that the sum of Rs.
 being for one year's assessment, payable in respect of the
 chaukidari chakran lands of this village transferred to the
 zemindar of , became due on
 the day of and that the same
 is still unpaid, and that of is the
 person liable to pay such assessment.

The day of

(Sd.) E. F.,
Collecting Member of Panchayat.

Appendix F.

POLICE.

Calcutta, the 12th April 1887.

NOTIFICATION.

THE following rules for the guidance of panchayats, and for giving effect to the provisions of the Village Chaukidari Act, 1870, which have been prescribed by the Lieutenant-Governor of Bengal under the authority vested in him by s. 65 of the said Act, are published for general information:—

Note.—These rules have, under s. 65 of the Act, the force of Law.

Rules.

I. The Magistrate may determine the year current in a village, and inform the panchayat accordingly for action under s. 16 of the Act. The list under this section shall be made out in columns containing the information required by the law opposite the names of the persons liable to assessment, as follows:—

Name.	Trade, &c.	Amount Assessed.

Note.—Under s. 16, the amount to be entered in column 3 is the *monthly tax*, although under s. 21 the tax is payable *quarterly*.

The list shall be published in some conspicuous place in the village. The name of the member of the panchayat who has been appointed to receive and collect the rate, to grant receipts for the same, and to keep the accounts thereof, shall be mentioned at the foot of the list.

II. The list, before publication, shall be signed by each member of the panchayat.

III. Three or more members of the panchayat shall sit at a given time and place, to be notified beforehand, at least, once during each week within one month after the publication of any assessment has been made, for the purpose of hearing and disposing of appeals. A note of the orders passed on each appeal disposed of shall be recorded and preserved.

IV. The collecting member of the panchayat shall keep and be responsible for all papers, accounts, and records connected with the administration of the Act by the panchayat.

V. A record of all proceedings taken under s. 27 *et seq.* of the Act shall be made and preserved by the collecting member of the panchayat. Two members of the panchayat shall be present at every sale held under s. 29.

VI. The record of any proceeding, order, or action of the panchayat, or any member or members of the panchayat, shall be kept in the form of a diary, which shall be open to general inspection.

VII. If, under s. 30, any defaulter disputes his liability and informs any member of the panchayat of the fact, the panchayat shall postpone the sale of any property, which may have been distrained, for five days, and shall refer the objector to the Magistrate to obtain orders within that period.

VIII. The following form of accounts shall be kept by the panchayat (Executive Form No. 159):—

Register I.—Of Collections.

Name.	Trade, &c.	Amount assessed.	1st Quarter.	2nd Quarter.	3rd Quarter.	4th Quarter.

The entries in the first three columns will be similar to those entered in the three columns of the list to be prepared under s. 16 (*vide* Rule I); the four following columns are for the four quarters of the year, beginning with the first quarter of the year current in the village, and should be headed accordingly. Opposite each villager's name will be entered his quarterly quota in these columns under each quarter as paid in by him. Each villager should be instructed to satisfy himself, when paying the cess, that the entry of the payment is duly made by the collecting member of the panchayat. This check, when properly understood and worked, will probably be of more value, as proof of payment, than receipts, which should nevertheless be granted under s. 22 of the Act.

(a) Column 3 should contain the amount of tax assessed for the year. As the tax is now payable quarterly, four columns suffice for collections, *i.e.*, one for each quarter instead of one for each month. *Vide* Notification dated 12th April 1887, and G. O. No. 1721, J, dated 16th idem.

Register II.—Of Receipts and Disbursements.

This will be an account in the simplest form of single entry to be totalled and carried over at the close of every quarter, as follows (Executive Form No. 162):—

Date.	Jama.	Amount.	Date	Kharach.	Amount.

(a) The above Registers may be destroyed after the accounts have been examined or audited by the District Magistrate or other officer deputed by him. (Vide G. O. Police No. 440J, dated 6th February 1888, to the Commissioner of Burdwan.)

(b) The Registers should be "made up in the manner of zemindari and mahajani account-books and bound in red kharua cloth." (Vide G. O. No. 1721J, dated 16th April 1887, to the Commissioner of Burdwan, and Police Circular Memo. No. 2C.)

IX. Each chaukidar shall keep an acquittance roll, to be renewed every year, in which shall be entered by the collecting member of the panchayat every sum of money paid to him as salary. This acquittance roll shall be examined and signed by the sub-inspector, or officer in charge of the thana, once a month, or when the chaukidar attends at the police-office, under s. 39 of the law.

The officer shall explain to the chaukidar the nature of the entries, and report if the chaukidar's salary has not been duly paid.

(a) The acquittance roll is printed as Executive Form No. 155.

(b) See para IX of the muster rules in Appendix V.

(c) The words "collecting member of the panchayat" must be read as qualified by s. 43.

X. The thana police should receive from the chaukidar and forward all reports, proceedings, explanations, and correspondence the panchayat may wish to transmit to the Magistrate.

Appendix H.

Abstract of Govt. Cir. No. 50, dated 10th September 1880, as modified by Govt. Cir. No. 64, dated 16th December 1880, and s. 11, Act I, B. C., of 1886.

1. A uniform fee of eight annas should be charged for each warrant under s. 45, and the fee should be recovered from the panchayats as prescribed in the concluding portion of the first clause of s. 45 of the Act. (Para. 2 of Cir. 50.)

2. The above fee shall be realised in court-fee stamps, as in the case of other processes, and Court Sub-Inspectors shall affix the stamps to the returns. This system should be adopted in both Head-Quarters and Mofussil Sub-divisions. (Para. 2 of Cir. 64.)

3. The peons employed for the purpose of serving processes under the Village Chaukidari Act should be treated as part of the regular staff of peons entertained for the service of processes under the Court-fees Act, and such a number of peons should be added to the district staff as the number of processes issued under the Act will suffice to employ from time to time, the number employed being regulated under the rules issued by the High Court under the Court-fees Act. (Para. 3 of Cir. 64.)

4. The supervision of the service and execution of warrants under s. 45 of the Act should rest with the Court Sub-Inspectors both at the Head-Quarters of Districts and at Sub-divisions. Vigilance on the part of these officers will, it is hoped, remove the evil of the peons seizing the property of a single member of the panchayat and selling it for the realisation of the whole arrears.

Care should be taken that the arrears are equally realised from all the members of the panchayat. (Para. 3 of Cir. 50, as modified by para. 1 of Cir. 64.)

Appendix III.

Notes for inquiring into the working of the Village Chaukidari Act in any Village into which it has been introduced.

1. Have the provisions of s. 7 been complied with as regards the qualifications of the members of the panchayat?
2. Has any member of the panchayat exceeded the term of his office with reference to ss. 9, 9A, and 9B?
3. What is the number of chaukidars and the pay of each with reference to ss. 11 and 12?
4. (a) What is the amount of the assessment for the current year? (b) Is it correct according to s. 13, i.e., chaukidars' pay plus 15 p. c. over and above?
5. (a) Does any one pay more than one rupee per mensem? (b) How many persons are exempted under s. 15?
6. (a) When was the last assessment made? (b) Was the list duly published under s. 16 and Rule I duly complied with? (c) Was the *monthly* tax entered in the last column of the list as prescribed by s. 16?
7. Has the panchayat published the revised or continued assessment under s. 17 in the same way?
8. (a) Has any intermediate assessment been made for any part of the Bengali year? (b) If so, have the provisions of s. 18 been duly observed?
9. (a) Were any objections filed under s. 19? (b) If so, was the procedure of Rule III observed by the panchayat?
10. (a) Does the panchayat grant receipts for all payments of taxes as required by s. 22 and Rule VIII? (b) And keep all the books and registers prescribed by that Rule? (c) And a diary of proceedings under Rule VI? (d) Does this diary also serve as an inspection-book?
11. Examine the register of receipts and disbursements, and note: (a) If cash balance of previous year has been

brought forward, and dealt with under s. 24. (b) If 'rent of chakran lands due under s. 52 has been paid and credited. (c) What percentage has been deducted by the collecting member under s. 22? (d) How has the money been spent? (e) The cash balance-in-hand should be counted. (f) Have any fines or penalties been levied under the Act? (g) If so, have they been duly credited under s. 42 to the District Chaukidari Reward Fund? (h) Compare some entries in Register II with the counterfoils of the receipts. (i) Are the entries in Register II made from day to day, or as they occur, or only intermittently?

12. Has the panchayat complied with the provisions of s. 26 as regards the publication of a list of defaulters?

13. (a) Have any distrains been made under s. 27? (b) Has the penalty been exacted in all cases? (c) And a record of proceedings kept under Rule V? (d) Have the provisions of s. 28 been duly observed in all such cases?

14. (a) Have any sales been held under s. 29? (b) If so, was Rule V duly observed?

15. Has the panchayat dismissed any chaukidar without the sanction of the District Magistrate? (s. 35.)

16. Do the chaukidars know the duties required of them by s. 39 and by s. 40?

17. (a) Do the panchayat know the above and also their own duties under s. 41 and under the Rules? (b) Has each member a copy of the Act and Rules in the Vernacular or in English?

18. (a) Has it been necessary to issue any warrant to realise arrears from the panchayat under s. 45? (b) If so, give particulars, and (c) state if the amount was recouped from the Village Chaukidari Fund under s. 46.

19. (a) Has any tahsildar been appointed under ss. 46A and 46B? (b) If so, give the particulars and results of his appointment.

20. (a) Has any revision of the assessment been made under s. 47? (b) Does any such revision seem necessary?

21. (a) What is the amount of chakran land settled under Part II of the Act and the yearly rental due from the zemindar for it? (b) Have such rents been realised to date?

22. Is there any reason to think that there is any chakran land, which ought to be, but has not been, settled under that Part?

23. Has it ever been necessary to supersede the panchayat under s. 62? If so, give particulars.

24. (a) When and by whom was the last inspection made? (b) Have the defects then pointed out been remedied? (c) Were they noted in the diary kept by the panchayat under Rule VI?

Note.—It will not always be found necessary to answer all these questions, or to enquire into all the matters covered by them. Being fairly exhaustive, they will, however, if used, probably lead to considerable improvement in the working of the Act, and serve to direct the attention of the panchayat to the more important details of their work.

Appendix IV.

Law relating to Village Chaukidars not appointed under Act VI, B.C., of 1870, viz. s. 21, Regulation XX of 1817.

S. 21,* REGULATION XX OF 1817.

Village-watchmen.

First.—It shall be the duty of the darogahs of police, under the guidance and instruction of the Magistrate, to prepare and keep up at their thanas a complete register

Darogahs shall keep a complete list of village-watchmen.

of the village-watchmen employed within the limits of the authority of the said darogahs respectively, drawn out after the form No. 6 of the Appendix; and upon the death or

Zemindars or other authorized persons to nominate a successor on the occurrence of a vacancy.

removal of any of the watchmen, the landholders and other persons to whom the right of nomination to such vacancies shall belong, shall send the names of the persons whom they may appoint

to the darogah of the jurisdiction, that they may be registered by him as above directed.

Village-watchmen subject to Police-darogahs.

Second.—The village-watchmen are declared subject to the orders of the Police-darogahs.

Third.—Village watchmen who may reside within one coss of the thana station to which they may be subject, shall report daily to the thana all occurrences connected with the police, which may have

* Repealed by s. 2, Act VI (B. C.) of 1870, as to all villages to which that Act may apply.

happened in their respective villages during the preceding twenty-four hours ; village-watchmen residing from one to three coss distant from the thana shall furnish similar reports twice every week ; and all other watchmen, whose residence may be situated at a greater distance, shall report once in every week or fortnight, as they may be specially instructed by the Police-darogah so to do.

Fourth.—All occurrences reported by the village-watchmen shall be recorded by the mohurrers in the thana diaries ; but it shall not be considered necessary to enter in such diaries the reports of watchmen who have no communication to make further than that the peace of their divisions has been undisturbed since their last report.

Fifth.—The village-watchmen shall apprehend, and send to the darogah, or other Police-officer presiding at a thana, any person who may be taken in the act of committing murder, robbery, house-breaking or theft ; also proclaimed offenders, and persons against whom a hue and cry shall have been raised of their having been concerned in a recent criminal offence. It shall further be the special duty of the village-watchmen to convey to the thana immediate intelligence of any robbers who may have concealed themselves in their respective villages, or in the adjacent country ; and also of any vagrants, or other persons who may be lurking about the country without any ostensible means of subsistence, and who cannot give a satisfactory account of themselves. It shall likewise be the business of the village-watchmen to convey early intimation to the thana of all murders, robberies, burglaries, thefts, violent affrays, and other heinous offences perpetrated in the villages or places in which they may be stationed.

Sixth.—The report of the village-watchmen to the Police-

officers of the regular establishments shall be made verbally ; and they shall not, unless they appear as prosecutors, be sworn to their depositions at the thanas, or be detained at the thanas, or sent into the Magistrate's Court, unless on account of misconduct, or under the special orders of the Magistrate.

Seventh.—Darogahs of police shall invariably ascertain and report, when making inquiries on the occasion of any robbery, burglary, or theft, the conduct of the village-watchmen ; and whether they were present at their posts when the offence was perpetrated ; if not, the cause of their absence, and whether there may be reason to believe that they were themselves concerned in, or connived at, the commission of the crime. In the event of any neglect or suspicion of criminality attaching to a village-watchman, the darogah shall either send the individual to the Magistrate, with a separate report of the grounds of the charge exhibited against him, and evidence to establish the same, or shall forward a report in the first instance, and wait the instructions of the Magistrate, as the nature of the alleged offence may dictate. In the event of any gross neglect or misconduct in the discharge of his duty, as a Police-officer, being established against a village-watchman, he shall be liable to dismissal from his station by order of the Magistrate, independently of any punishment to which he may be subject for specific acts of criminality, under the laws and regulations in force.

Eighth.—The darogahs, or their Police-officers, are prohibited, under penalty of dismissal from office, from employing the village-watchmen on their private concerns, or on any duties unconnected with the police.

Ninth.—In those towns and villages where the darogahs of

In places where regular Police establishments may be stationed, duties of watching by whom to be performed.

the mofussil police jurisdiction, or the officers of outposts, may be stationed, the duties of watching and patrolling shall be performed conjointly by the regular Police-officers and the village-

watchmen ; and private watchmen, entertained by individuals for guarding their habitations, shops, or warehouses, shall also afford their assistance, and be considered subject, in the performance of this duty, to the orders of the Police-darogahs of the station.

Tenth.—On the occurrence of a gang or highway robbery,

Village-watchmen to resist robbers to the utmost of their power, and to require zemindars and headmen to lend their assistance in the pursuit and apprehension of criminals.

or any robbery by open violence, murder, burglary, or theft attended with wounding, or any other heinous offence, attended with a violent breach of the peace, the village-watchmen shall, to the utmost of their ability, resist, and

endeavour to apprehend the offenders, and shall require the headmen of the village to collect the inhabitants and to oppose and seize the criminals, or to pursue them if they have fled ; and it shall be incumbent on the inhabitants of the villages through which, or near to which, the pursuit may lie, to afford, on the requisition of the village-watchmen or other Police-officer, every practicable assistance towards the apprehension of the robbers or other offenders, and recovery of any property stolen or plundered by them, continuing the pursuit from village to village. Any headman or watchman of a village who may be convicted

Penalty for their refusal.

before the local Magistrate of wilful inattention to such requisition, shall be liable to fine and imprisonment, not exceeding the limitation prescribed by

s. XIX, Regulation IX, 1807.

(a) A patnidar has the right to nominate under this clause: see

the case of Joykissen Mukerjee, referred to in note (a) to s. 48: and p. 23 of Mr. D. J. McNeile's Report on the Village Watch (1866).

(b) If there are several shareholders who do not agree as to the person to be nominated as chaukidar, the District Magistrate would probably be justified in accepting the decision of the majority: or of the minority if it represented the greater number of shares, or he might treat such disagreement as a refusal or neglect to nominate.

(c) In case of neglect or refusal to nominate within a reasonable time, the District Magistrate would probably be justified in making an appointment himself (see p. 26 of Mr. D. J. McNeile's Report).

(d) It is an open question as to whether or not a prosecution would lie under s. 176, P. C., against a zemindar or other person having the right of nomination for failing to exercise it. The section is loosely worded and confuses the right of nomination with the right of appointment. Such person would, however, be clearly liable under the above section if he appointed a chaukidar and failed to register his name at the thana.

(e) The following procedure will probably be found convenient and effective:—

(i) On the occurrence of a vacancy the officer in charge of the thana to send a verbal message to the zemindar to nominate a successor.

(ii) If after 15 days the above verbal message have no effect a written notice to be sent.

(iii) If after a further period of 15 days the written notice have no effect, report to be made to the District Magistrate through the District Superintendent of Police, for orders with a nomination.

(iv) The District Magistrate could then make the appointment himself or pass any other orders in the matter.

(f) The registers referred to in this clause are generally kept in the District Record-rooms under the name of "Roll-books."

(g) Cl. 7. Under Regulation I of 1829 an appeal lies to the Commissioner against an order of dismissal passed by a District Magistrate under this clause.

Such appeals should, under Government Circular 5 J. D., of the 14th April 1884, be forwarded through the District Magistrate.

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PENAL CODE.

The following sections of the Indian Penal Code indicate the direct or indirect duties and responsibilities of village chaukidars and panchayats and the protection which the law affords them in the execution of their duties :—

S. 21. A village chaukidar is a public servant under cl. 7 and 8 and a panchayat under cl. 10.

S. 119. Concealment by a public servant of a design to commit an offence which it is his duty to prevent.

Ss. 128, 129. Public servant voluntarily or negligently allowing a State prisoner to escape.

S. 161. Public servant taking an illegal gratification.

S. 164. Abetment by a public servant of offences under ss. 162, 163.

S. 165. Public servant obtaining any valuable thing without consideration.

S. 166. Public servant disobeying a direction of law with intent to injure any person.

S. 167. Public servant framing an incorrect document.

S. 174. Non-attendance in obedience to an order from a public servant.

S. 176. Omission to give information to a public servant when legally bound to do so.

S. 177. Furnishing false information.

S. 179. Refusing to answer public servant.

S. 182. Giving false information with intent to cause a public servant to use his lawful power to the injury of another person.

S. 183. Resistance to the lawful taking of property by public servant.

S. 184. Obstructing sale of property offered for sale by authority of a public servant.

S. 186. Obstructing public servant in discharge of public functions.

S. 187. Omission to assist public servant when bound by law to do so.

S. 188. Disobedience to an order duly promulgated by a public servant.

S. 189. Threat of injury to a public servant.

S. 202. Intentional omission to give information of an offence by a person bound to inform.

S. 203. Giving false information respecting an offence committed.

S. 213. Taking gift, &c., to screen an offender from punishment.

S. 217. Public servant disobeying direction of law with intent to save person from punishment, &c.

S. 217. Public servant framing an incorrect record with same intent.

Ss. 221, 222. Intentional omission to apprehend on the part of a public servant bound by law to apprehend.

S. 223. Escape from confinement or custody negligently suffered by a public servant.

Ss. 224, 225, 225B. Resistance or obstruction by a person to his lawful apprehension; or that of another person.

S. 225A. Omission to apprehend or sufferance of escape on part of public servant in cases not otherwise provided for.

Ss. 332, 333. Voluntarily causing hurt or grievous hurt to deter public servant from his duty.

S. 353. Using criminal force to deter a public servant from discharge of his duty.

SECTION 45, C. C. P.

Every village-headman, village-watchman, village Police-officer, owner or occupier of land, and the agent of any such owner or occupier, and every officer employed in the collection of revenue or rent of land

Village-headmen,
landholders, and others
bound to report certain
matters.

on the part of Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate, or to the officer in charge of the nearest Police-station, whichever is the nearer, any information which he may obtain respecting—

(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman, watchman or Police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(b) the resort to any place within, or the passage through, such village of any person whom he knows, or reasonably suspects, to be a thug, robber, escaped convict, or proclaimed offender;

(c) the commission of, or intention to commit, any nonbailable offence in or near such village;

(d) the occurrence therein of any sudden or unnatural death, or of any death under suspicious circumstances.

Explanation.—In this section “village” includes village lands.

SECTIONS 21 AND 22, ACT XXVII OF 1871

(Criminal Tribes.)

S. 21. It shall be the duty of every village-headman and village-watchman in a village in which any persons belonging to a tribe, class or gang which has been declared criminal reside, and of every owner or occupier of land on which any such persons reside, or of the agent of any such owner or occupier, to give the earliest information in his power at the nearest Police-station of—

(1) the failure of any such person to appear and give information as directed in section 8;

(2) the departure of any such person from such village or from such land (as the case may be).

And it shall be the duty of every village-headman and village-watchman in a village and of every owner or occupier

of land or of the agent of such owner or occupier to give the earliest information in his power at the nearest Police-station of the arrival at such village or on such land (as the case may be) of any persons who may reasonably be suspected of belonging to any such tribe, class or gang.

S. 22. Any village-headman, village-watchman, owner, or occupier of land, or the agent of such owner or occupier who shall fail to comply with the requirements of s. 21 shall be deemed to have committed an offence under the first part of s. 176 of the Indian Penal Code.



Appendix V.

No. 675J.D.

FROM H. J. S. COTTON, Esq., C.S.I.,

Chief Secretary to the Government of Bengal,

TO THE INSPECTOR-GENERAL OF POLICE, BENGAL.

POLICE.

Dated Darjeeling, the 27th September 1892.

SIR,

I am directed to invite your careful attention to the discussion which took place in the Bengal Legislative Council, recorded in pages 1715 to 1718 of the Supplement to the *Calcutta Gazette*, dated 14th September 1892, and especially to the observations of the Hon'ble the President of the Council, on the subject of an amendment proposed by the Hon'ble the Advocate-General in the Bill to amend the Village Chaukidari Act, 1870, to the following effect :—

“ Provided always that no chaukidar appointed under the provisions of this Act shall be employed by any Police Officer on his private concern, or on any duties not by this Act made obligatory on such chaukidar, and that any Police Officer so employing any such chaukidar shall be punishable with fine which may extend to fifty rupees.”

2. This proviso, with the exception of the penalty attached, met with the approval of the majority of the Council, and was ultimately omitted from the Bill on the express understanding that the Executive Government would undertake to give complete effect to the object which the Council had in view when they accepted the proviso. This object was to prohibit the use of chaukidars on menial employments.

3. The Lieutenant-Governor has observed with satisfaction that the following rule has been introduced into the instructions to Police-officers for holding chaukidari muster parades :—

“ XV.—Chaukidars must not be taken away from their villages for miscellaneous or other work except in cases of special urgency, or

when they are required to guard or escort prisoners. Police officers employing chaukidars on their own private business, or utilizing them as menial servants in any capacity, will be severely punished and will be considered liable to summary dismissal."

4. This subject has also been referred to in 8th paragraph of the Government Resolution, dated 14th September 1892, on your Annual Police Report for 1891, as follows :—

"Next to low caste and disreputable antecedents, one of the causes which has done much to degrade the village chaukidar in his own esteem and that of the public, and to lessen his influence for good, has been the habit, too common among the Provincial Police, of treating him as a beast of burden and a menial servant. The Government is pledged to do all it can to stop this custom, and special orders are under issue on the subject; but the Lieutenant-Governor takes this opportunity of giving publicity to his desire that Magistrates and District Superintendents of Police should set their faces sternly against the practice. When the chaukidar recognises that he is a servant of the State and bears a sanad of appointment under the Magistrate's hand and seal, it may be expected that he himself will refuse to submit to ill-treatment, and that the inferior police-officers will understand that his status has been so raised that menial employment must not be thought of in connection with him."

5. The Lieutenant-Governor now directs me to say that it is expected of every District Superintendent of Police that he will vigorously carry out these orders, and will make it a special subject of enquiry, when inspecting a thana or outpost, whether any improper use is made of the services of chaukidars, and whether the orders of Government on the subject are known and understood by all parties. He should also devote a special paragraph in his annual report to the mention of what he has done in this direction, and should give information regarding any instances he may find in which the rule on the subject has been neglected or traversed. You are also requested to devote a special paragraph to this matter in your own annual report, and both you yourself and the Deputy Inspector-General should, on occasion of your local inspections, not fail

to give^d your particular attention to the enforcement of these orders.

6. I am to add that the substance of these orders regarding the relations between chaukidars and the regular police should be posted up in every thana and outpost in the province in English and in the vernacular.

I have the honour to be,

SIR,

Your most obedient servant,

H. J. S. COTTON,

Chief Secretary to the Govt. of Bengal.

No. 675J—D.

COPY forwarded to the Commissioner of the Division for information and for communication to the Magistrates subordinate to him.

By order of the Lieutenant-Governor of Bengal,

H. C. STREATFEILD,

Under-Secretary to the Govt. of Bengal.

DARJEELING,

The 27th September 1892.

BENGAL POLICE.

CIRCULAR No. 5.

FROM E. R. HENRY, Esq., c.s.,

Inspector-General of Police, Bengal,

TO ALL DISTRICT SUPERINTENDENTS OF POLICE

(THROUGH MAGISTRATES AND DEPUTY COMMISSIONERS).

Dated Calcutta, the 14th September 1892.

SIR,

In forwarding herewith a set of revised instructions for holding chaukidari muster parades, informs District Superin-

tendents that it is the desire of Government that all inspecting officers will make it their duty to enquire very closely into the working of the system, and that the subject may be prominently mentioned in the departmental annual report.

2. District Superintendents are requested to personally attend the first two parades at their head-quarters and see that the rules are understood and carried out; and that, of the series of printed questions, those suitable on account of local conditions are selected. Where there is an Assistant Superintendent, he should be sent round to thanas to see that the rules are understood and observed, his visit being so timed that he may be present at the thana on the parade day. Inspectors must gradually attend parade at each of their thanas and see that the rules are observed. They will see at the same time that the attendance register is kept in the prescribed form and contains all the information required under the instructions.

3. The rules and selected questions should be intelligently translated and (if it can possibly be done at a moderate price) printed in the character of the vernacular of the district, so that copies and spare copies may be issued to each Police-station and outpost.

E. R. HENRY,

Inspector-General of Police, Bengal.

Instructions for holding Chaukidari Muster Parades.

I.—The chaukidars within the jurisdiction of each station and outpost will be separated into two classes:—

(a) Those belonging to villages within a radius of ten miles.

(b) Those belonging to villages within a radius of more than ten miles.

II.—These two classes will be further subdivided into groups of 20 or any less number of chaukidars under a *Daffadar* or *Sardar*.

III.—The former will attend once a week, the latter once a fortnight.

IV.—Each chaukidar will have his group number and his individual number in that group.

V.—The odd and even numbers of each group will attend on separate days in the week to be fixed by District Superintendent with reference to local conditions, such as *hát* days, &c., and will be attended by their *daffadars*. When there are two or more chaukidars in a village, they should attend alternately, so that there may always be one chaukidar present in the village.

VI.—The chaukidari parade will be held at such an hour as to admit of chaukidars returning to their villages by sunset if possible. Punctuality must be strongly insisted on.

VII.—Parades will be held in the Police-station or outpost compound, each group being represented by 10 tiles set into the ground, on which are to be recorded the individual numbers of the chaukidars using them. A masonry platform marked out in squares and sheds to protect the chaukidars from sun and rain are advocated.

*Plan of parade ground for 86 Chaukidars within the
10 mile radius.*

Officer	taking the parade.
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1st Group.

1-2	3-4	5-6	7-8	9-10	11-12	13-14	15-16	17-18	19-20
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2nd Group.

1-2	3-4	5-6	7-8	9-10	11-12	13-14	15-16	17-18	19-20
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3rd Group.

1-2	3-4	5-6	7-8	9-10	11-12	13-14	15-16	17-18	19-20
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4th Group.

1-2	3-4	5-6	7-8	9-10	11-12	13-14	15-16	17-18	19-20
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5th Group.

1-2	3-4	5-6
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The absence of any chankidar will be at once detected by his particular tile not being occupied.

VIII.—The chankidars being paraded, all the columns of the attendance register will be filled in; with *black ink* in the case of those who are present, while *red ink* will be used for absentees. No spaces will on any account be left blank. Chankidars who show good reasons for absence may be allowed to send proxies, provided the proxies are physically qualified. But District Superintendents must see that this privilege is not abused.

IX.—The attendance register will be utilized for noting (a) the section and date of any crime relating to property which may have occurred in the village; (b) births and deaths in the manner indicated in the accompanying form; (c) the names of C class convicts or suspects, and (d) the names of absconders in the village. At the end of the year, it will thus be a valuable permanent record of the criminality of each group and of each village in that group.

N.B.—Chaukidars must bring their salary receipt books. The officer in charge of the Police-station or outpost will initial each entry of payment if the chankidar acknowledges receipt; when he denies receipt, the circumstance will be reported for the orders of the Magistrate.

X.—After recording attendance the officer holding the parade will read out such of the questions given in Appendix A as are applicable to the conditions of the district, and will take pains to see that they are understood. In addition to the

printed questions he will ask for such further information as he may require. The questions will be dealt with *seriatim*. All chaukidars having information to give under any particular question will stand up and remain standing until their information has been recorded in one or other of the Registers. Chaukidars should be catechised to ascertain whether they are acquainted with the absconders, proclaimed offenders, released convicts, suspected characters and *lathials* residing in or having relations in their village, and should be furnished with a list of such persons; but any fresh information that a chaukidar may have to give should as a rule be communicated to the Sub-Inspector *privately and after the parade is over*.

XI.—When birth and death reports are called for, each chaukidar will hand in the hath-chitta supplied for use by the Sanitary Commissioner. These forms, whether containing entries or not, should be authenticated by the signature of the *sar-i-panch*, or other member of the panchayat, and must be brought in by the chaukidar even when blank. Fresh entries will be transcribed into the registers by a police-officer while the parade is going on.

XII.—Having recorded in the station diary and appropriate registers all the information obtained, with the numbers and names of absentees and the exact time of muster and duration of the parade, the officer holding the parade will dismiss the chaukidars without avoidable delay, so as to enable them to reach their homes before nightfall. The duty of holding chaukidari parades is to be delegated to a subordinate officer, only under very exceptional circumstances, which will be fully explained in the station diary.

XIII.—Rewards should be distributed and punishments made known on parade days. No good work done by a chaukidar should be unnoticed. Where money rewards are not available certificates under his seal of office should be given by the District Superintendent.

XIV.—Each chaulkidar should have a parchment* sanad. This sanad should stand in the place of the service sheet and be a record of his appointment and conduct, good and bad. Each should have besides a tin or bamboo *chunga* in which to preserve his birth and death hath-chittas, his sanad and his salary receipt-book.

XV.—Chaulkidars must not be taken away from their villages for miscellaneous or other work except in cases of special urgency, as when they are required to guard or escort prisoners. Police-officers employing chaulkidars on their own private business, or utilizing them as menial servants in any capacity, will be severely punished, and will be considered liable to summary dismissal.

XVI.—It must be impressed upon chaulkidars that it is their duty at once to inform the police of the occurrence of crime or of the likelihood of a breach of the peace, and as they are not bound to report such occurrences to the zemindar or gomashtha, this excuse for delay in informing the police will not be accepted.

E. R. HENRY,
Inspector-General of Police, L.P.

APPENDIX A.

Questions for Chaukidari Myster Parades.

1. Has any crime or offence been committed in your village, or have you reason to think that any occurrence has been suppressed ?

2. Has any unnatural, suspicious, or sudden death occurred ? Have you any death or birth to report ?

3. Has there been an outbreak of cholera, small-pox, or other epidemic disease ?

4. Have there been any fires ? If so, is there suspicion of foul play ?

5. Has any registered convict or a budmash absented himself from the village ? If so, what enquiries have you made ? Have any bad characters come on visit to your village ? Give particulars as to their names and residences.

6. Have any suspicious characters, gamblers, or swindlers been seen in the neighbourhood, or any foreigners or members of wandering tribes ?

7. Have you any information to give concerning the crops ?

8. Has there been any cattle disease ?

9. Have any cattle been suspiciously acquired by residents of your village ? Are any of your Chamars suspected of cattle poisoning ? Have any hide-dealers come to your village ? Has there been any increase in the mortality or in the number of strays amongst the cattle ?

10. Have any Government officials visited your village or encamped in the neighbourhood ?

11. Have you noticed any obstruction to telegraph wires, such as branches of trees or bamboos resting against them ; or any injury to survey pillars, or to trees planted along the roads, or to any bridges or culverts, or to any Government property ?

12. Have you heard of any cause of disagreement between landlords and their raiyats, or between bodies of raiyats, or any disagreement as to land or the use of water, or right-of-way, or cattle-trespassing, &c., likely to result in breach of the peace?

13. Have any strange boats been seen near your ghâts or any boats been missed from your village? If so, what enquiries have you made concerning them?

14. Has any gang of coolies come to work in your village? Has any public meeting been held? Has any strange Muhammadan come to preach? Or any person connected with a Sabha?

15. State what steps you have taken to secure the arrest of absconders and proclaimed offenders; also what means are available for the realisation of outstanding fines.

[N.B.—The officer taking the parade must inquire specifically regarding each absconder and proclaimed offender.]

16. Have any persons or animals been killed by wild beasts or snakes?

17. Have you reason to suspect that there is any manufacturing or smuggling of illicit liquor or other exciseable article, or that any person has a gun without a license? (In saliferous tracts)—Is illicit salt being manufactured?

18. If there is a canal in your neighbourhood, have instances of surreptitious irrigation come to your knowledge?

E. R. HENRY,
Inspector-General of Police, L.P.



Recd. on 12-72
R. R. No. 3017
G. R. No. 14508



